

MATTHEW T. GREGORY # F0205
 Attorney General
 GREGORY BAKA # F0199
 Deputy Attorney General
 OFFICE OF THE ATTORNEY GENERAL
 Hon. Juan A. Sablan Memorial Bldg., 2nd Fl.
 Caller Box 10007, Capital Hill
 Saipan, MP 96950-8907
 Telephone: (670) 664-2341
 Fax: (670) 664-2349
 E-mail: gbaka79@yahoo.com

Attorneys for Defendants Commonwealth of the Northern Mariana Islands,
 Nicole C. Forelli, William C. Bush, D. Douglas Cotton, L. David Sosebee,
 Andrew Clayton, and Pamela S. Brown

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Plaintiff,

vs.

COMMONWEALTH OF THE NORTHERN
 MARIANA ISLANDS, NICOLE C.
 FORELLI, former Acting Attorney General of
 the CNMI, in her personal/ individual capacity,
 WILLIAM C. BUSH, former Assistant
 Attorney General of the CNMI, in his personal/
 individual capacity, D. DOUGLAS COTTON,
 former Assistant Attorney General of the CNMI,
 in his personal/ individual capacity, L. DAVID
 SOSEBEE, former Assistant Attorney General
 of the CNMI, in his personal/ individual
 capacity, ANDREW CLAYTON, former
 Assistant Attorney General of the CNMI, in his
 personal/ individual capacity, UNKNOWN
 AND UNNAMED PERSONS IN THE
 CNMI, in their personal/ individual capacities,
 PAMELA S. BROWN, former Attorney
 General of the CNMI, in her personal/
 individual capacity, ROBERT A. BISOM,
 AND JAY H. SORENSEN,

Defendants.

CIVIL ACTION NO. 05-0027

**CNMI DEFENDANTS' ANSWER
 TO THIRD AMENDED
 COMPLAINT;
 CERTIFICATE OF SERVICE**

1 **COME NOW DEFENDANTS** Commonwealth of the Northern Mariana Islands
2 (“CNMI”), Nicole C. Forelli, William C. Bush, D. Douglas Cotton, L. David Sosebee,
3 Andrew Clayton, and Pamela S. Brown (collectively, “CNMI Defendants”), through the
4 CNMI the Office of the Attorney General, who would now answer Plaintiff’s Third
5 Amended Complaint as follows:

6
7 **I. JURISDICTION**

8 1. Admitted.

9 2. The statement is not an averment of fact but conclusions of law and a summary
10 of the pleadings in this case, which are the best evidence of their contents, speaking for
11 themselves. Therefore, this averment requires no response. To the extent that an answer
12 by the CNMI Defendants is deemed required, it is denied.

13 3. Denied.

14 4. Except for the final sentence, this paragraph is not an averment of fact but
15 several conclusions of law, requiring no response. To the extent that an answer by the
16 CNMI Defendants is deemed required, they are denied. In particular, there has been no
17 allegation made as to a controversy “arising under” the Covenant and thus conferring
18 jurisdiction under Covenant Section 903. Not every case involving the CNMI
19 automatically falls under this jurisdiction; there must be a dispute based upon a contested
20 interpretation of the Covenant. There is no such current statute as 42 U.S.C. § 2000.
21 There are Sections 2000a (prohibition against discrimination or segregation in places of
22 public accommodation), 2000b (civil actions by the Attorney General), 2000c (public
23 education definitions), 2000d (prohibition against discrimination under federally assisted
24 programs), 2000e (equal employment opportunity definitions), 2000f (survey for voting
25 statistics), 2000g (establishment of Community Relations Service), 2000h (criminal

1 contempt proceedings), 2000aa (First Amendment, searches and seizures by government
2 officers), 2000bb (Congressional findings, religious freedom restoration), and 2000cc
3 (protection of land use as religious exercise). Presumably Plaintiff intended to invoke
4 42 U.S.C. § 2000d. However, the CNMI is not one, big federally funded “program.”
5 42 U.S.C. § 2000d-4a. Each individual federal grant or source of funding, and any
6 individual program or activity, must be considered separately in determining whether a
7 department or agency is federally assisted. Id. Non-immunity of states is as provided by
8 statute. 42 U.S.C. § 2000d-7. The final sentence is denied based on the ambiguity
9 inherent in the words “much” and “involve,” CNMI Defendants lack sufficient knowledge
10 or information to form a belief as to the truth of this averment. However, Defendants
11 admit that departments and agencies of the CNMI are federally assisted.

12 5-6. These paragraphs are not averment of facts but a conclusion of law, requiring
13 no response. To the extent that an answer by the CNMI Defendants is deemed required,
14 they are denied.

16 II. PARTIES

17 7-12. Admitted.

18 13. CNMI Defendants lack sufficient knowledge or information to form a belief as
19 to the truth of this averment and it is, therefore, denied.

20 14. This paragraph has been “deleted,” containing no averments and requiring no
21 response. To the extent that an answer by the CNMI Defendants is deemed required, it is
22 denied.

23 15-20. Admitted.

III. FACTS AND GENERAL ALLEGATIONS

21-39. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of these averments and they are, therefore, denied.

40-46. These paragraphs are not averment of facts but conclusions of law, requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

47-51. Denied.

III.A. The Alleged Service on BRADSHAW

52-53. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of these averments and they are, therefore, denied.

54-55. These paragraphs are not averment of facts but conclusions of law, requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

56. The statement is not an averment of fact but identification of three affidavits drafted by Plaintiff in another case, which are the best evidence of their contents, speaking for themselves. Therefore, this averment requires no response. To the extent that an answer by the CNMI Defendants is deemed required, it is denied, as CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of this averment.

57-58. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of these averments and they are, therefore, denied.

59. This paragraph is not an averment of facts but a conclusion of law, requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, it is denied.

1 60-62. CNMI Defendants lack sufficient knowledge or information to form a belief
2 as to the truth of these averments and they are, therefore, denied.

3 63. CNMI Defendants lack sufficient knowledge or information to form a belief as
4 to the truth of this averment and it is, therefore, denied. The concluding sentence is not an
5 averment of fact but identification as an exhibit of a letter by Plaintiff to the CNMI, which
6 is the best evidence of its contents, speaking for itself. Therefore, this averment requires
7 no response. To the extent that an answer by the CNMI Defendants is deemed required, it
8 is denied, as CNMI Defendants lack sufficient knowledge or information to form a belief
9 as to the truth of this averment, including the exhibit.

10 64. CNMI Defendants lack sufficient knowledge or information to form a belief as
11 to the truth of this averment and it is, therefore, denied.

12 65. CNMI Defendants lack sufficient knowledge or information to form a belief as
13 to the truth of this averment and it is, therefore, denied. The concluding sentence is not an
14 averment of fact but identification as an exhibit of letters by Plaintiff to the CNMI, which
15 are the best evidence of their contents, speaking for themselves. Therefore, this averment
16 requires no response. To the extent that an answer by the CNMI Defendants is deemed
17 required, it is denied, as CNMI Defendants lack sufficient knowledge or information to
18 form a belief as to the truth of this averment, including the exhibit.

19 66. The statement is not an averment of fact but a summary of an exhibit, a letter
20 from Defendant William C. Bush, which is the best evidence of its contents, speaking for
21 itself. Therefore, this averment requires no response. To the extent that an answer by the
22 CNMI Defendants is deemed required, it is admitted.

23 67. This paragraph is not an averment of facts but a conclusion of law as to
24 attorney-client privilege, requiring no response. To the extent that an answer by the CNMI
25 Defendants is deemed required, it is denied.

1 68-71. These paragraphs are not an averment of fact but excerpts from an exhibit, a
2 letter by Plaintiff to the CNMI, which is the best evidence of their contents, speaking for
3 itself. Therefore, this averment requires no response. To the extent that an answer by the
4 CNMI Defendants is deemed required, it is denied, as CNMI Defendants lack sufficient
5 knowledge or information to form a belief as to the truth of these averments, including the
6 exhibit.

7 72-73. CNMI Defendants lack sufficient knowledge or information to form a belief
8 as to the truth of these averments and they are, therefore, denied.

10 **III.B. U.S. Postal Fraud**

11 74-79. CNMI Defendants lack sufficient knowledge or information to form a belief
12 as to the truth of these averments and they are, therefore, denied.

14 **III.C. Judge CASTRO's Gross Incompetence**

15 80. The statement is not an averment of fact but an excerpt from a pleading in a
16 Superior Court case, referring to four exhibits, which is the best evidence of its contents,
17 speaking for itself. Therefore, this averment requires no response. To the extent that an
18 answer by the CNMI Defendants is deemed required, it is admitted.

19 81-88. CNMI Defendants lack sufficient knowledge or information to form a belief
20 as to the truth of these averments and they are, therefore, denied.

21 89. Admitted.

22 90. CNMI Defendants lack sufficient knowledge or information to form a belief as
23 to the truth of this averment and it is, therefore, denied, except that the first sentence is
24 admitted.

1 91-94. The statements are not averments of fact but excerpts from and
2 characterizations of pleadings in a Superior Court case, which are the best evidence of
3 their contents, speaking for themselves. Therefore, these averments require no response.
4 To the extent that an answer by the CNMI Defendants is deemed required, they are
5 admitted.

6 95-98. These paragraphs are not averments of facts but vague conclusions of law,
7 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
8 required, they are denied.

9 99. CNMI Defendants lack sufficient knowledge or information to form a belief as
10 to the truth of this averment and it is, therefore, denied.

11 100. Denied.

12 101-14. These paragraphs are not averments of facts but vague conclusions of law,
13 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
14 required, they are denied.

15 115-16. CNMI Defendants lack sufficient knowledge or information to form a
16 belief as to the truth of these averments and they are, therefore, denied.

17 117-25. These paragraphs are not averments of facts but vague conclusions of law,
18 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
19 required, they are denied.

20 126-27. These paragraphs have been stricken by the Court, requiring no response.
21 To the extent that an answer by the CNMI Defendants is nevertheless deemed required,
22 these paragraphs are not averments of facts but vague conclusions of law, requiring no
23 response. To the extent that an answer by the CNMI Defendants is still deemed required,
24 they are denied.

III.D. The Trial

128. The first sentence is denied. The second sentence is admitted.

129. The statement is not an averment of fact but an excerpt from a pleading in a Superior Court case, which is the best evidence of its contents, speaking for itself. Therefore, this averment requires no response. To the extent that an answer by the CNMI Defendants is deemed required, it is admitted.

130-37. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of these averments and they are, therefore, denied.

138. As to the first two sentences of this paragraph, CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of this averment and it is, therefore, denied. The final sentence of this paragraph is not an averment of facts but a conclusion of law as to whether service was effectuated and whether the CNMI was duly notified, requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, this final sentence is denied.

139-40. These paragraphs are not averment of facts but hypothetical speculation and vague conclusions of law, requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

141. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of this averment and it is, therefore, denied.

142-43. Denied.

III.E. The Supreme Court Appeal

144. Admitted.

145-51. The statements are not averments of fact but excerpts from and characterizations of the opinion in a CNMI Supreme Court case, which is the best

1 evidence of its contents, speaking for itself. Therefore, these averments require no
2 response. To the extent that an answer by the CNMI Defendants is deemed required, they
3 are denied. They also contain vague conclusions of law, requiring no response. To the
4 extent that an answer by the CNMI Defendants is deemed required, they are likewise
5 denied.

6 7 **III.F. The Post Trial**

8 152-55. CNMI Defendants lack sufficient knowledge or information to form a
9 belief as to the truth of these averments and they are, therefore, denied.

10 156-57. The statements are not averments of fact but excerpts from and
11 characterizations of the opinion in a CNMI Supreme Court case, which is the best
12 evidence of its contents, speaking for itself. Therefore, these averments require no
13 response. To the extent that an answer by the CNMI Defendants is deemed required, they
14 are denied. They also contain vague conclusions of law, requiring no response. To the
15 extent that an answer by the CNMI Defendants is deemed required, they are likewise
16 denied.

17 158-74. CNMI Defendants lack sufficient knowledge or information to form a
18 belief as to the truth of these averments and they are, therefore, denied.

19 20 21 **III.G. AG Brown Lies**

22 175-96. CNMI Defendants lack sufficient knowledge or information to form a
23 belief as to the truth of these averments and they are, therefore, denied.

III.H. BRADSHAW Had to Take Legal Action in 2005

197-210. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of these averments and they are, therefore, denied.

**IV. FIRST CLAIM -- Civil Rights Violations (42 U.S.C. § 1983)
[Bisom & Sorensen]**

211. Plaintiff's incorporation by reference requires no response. CNMI Defendants incorporate by reference their answers to Paragraphs 1 to 210 above.

212-28. CNMI Defendants lack sufficient knowledge or information to form a belief as to the truth of these averments and they are, therefore, denied.

229-31. The statements set forth in these paragraphs are not averments of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, CNMI Defendants deny these statements contained in these paragraphs. Further, CNMI Defendants deny that Plaintiff is entitled to any relief whatsoever.

**V. SECOND CLAIM -- Civil Rights Violations (42 U.S.C. § 1983)
[Forelli, Cotton, Bush, Clayton & Sosebee]**

232. Plaintiff's incorporation by reference requires no response. CNMI Defendants incorporate by reference their answers to Paragraphs 1 to 210 above.

233-39. Denied.

240. This paragraph is not an averment of facts but vague conclusions of law, requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

241-49. Denied.

1 250. Admitted.

2 251-60. Denied.

3 261-62. The statements set forth in these paragraphs are not averments of fact
4 but legal conclusions and requests in the form of a prayer for relief, which require no
5 response. To the extent that a response is deemed required, CNMI Defendants deny these
6 statements contained in these paragraphs. Further, CNMI Defendants deny that Plaintiff is
7 entitled to any relief whatsoever.

8 263. Denied.
9

10 **VI. THIRD CLAIM -- Civil Rights Violations (42 U.S.C. § 1983)**
11 **[Brown]**

12 264. Plaintiff's incorporation by reference requires no response. CNMI Defendants
13 incorporate by reference their answers to Paragraphs 1 to 210 above.

14 265-71. Denied.

15 272-73. The statements set forth in these paragraphs are not averments of fact
16 but legal conclusions and requests in the form of a prayer for relief, which require no
17 response. To the extent that a response is deemed required, CNMI Defendants deny these
18 statements contained in these paragraphs. Further, CNMI Defendants deny that Plaintiff is
19 entitled to any relief whatsoever.

20 274. Denied.
21

22 **VII. FOURTH CLAIM -- Civil Rights Violations (42 U.S.C. § 1983)**
23 **[Unknown person or persons]**

24 275. Plaintiff's incorporation by reference requires no response. CNMI Defendants
25 incorporate by reference their answers to Paragraphs 1 to 210 above.

1 276-79. CNMI Defendants lack sufficient knowledge or information to form a
2 belief as to the truth of these averments and they are, therefore, denied.

3 280-81. The statements set forth in these paragraphs are not averments of fact
4 but legal conclusions and requests in the form of a prayer for relief, which require no
5 response. To the extent that a response is deemed required, CNMI Defendants deny these
6 statements contained in these paragraphs. Further, CNMI Defendants deny that Plaintiff is
7 entitled to any relief whatsoever.

8 282. Denied.
9

10 **VIII. FIFTH CLAIM -- Intentionally Omitted**

11 283-303. These paragraphs have been “deleted,” containing no averments and
12 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
13 required, they are denied.
14

15 **IX. SIXTH CLAIM -- Intentionally Omitted**

16 304-17. These paragraphs have been “deleted,” containing no averments and
17 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
18 required, they are denied.
19

20 **X. SEVENTH CLAIM -- Civil Rights Violations (42 U.S.C. § 1985)** 21 **[CNMI, Clayton, Brown, Sosebee, Forelli, Bisom & Sorensen]**

22 318. Plaintiff’s incorporation by reference requires no response. CNMI Defendants
23 incorporate by reference their answers to Paragraphs 1 to 317 above.

24 319. Denied.
25

1 320. This paragraph is not an averment of facts but vague conclusions of law,
2 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
3 required, they are denied.

4 321-26. Denied.

5 327. The statements set forth in this paragraph are not averments of fact but legal
6 conclusions and requests in the form of a prayer for relief, which require no response. To
7 the extent that a response is deemed required, CNMI Defendants deny these statements
8 contained in this paragraph. Further, CNMI Defendants deny that Plaintiff is entitled to
9 any relief whatsoever.

10
11 **XI. EIGHTH CLAIM -- RICO Violations (42 U.S.C. §§ 1961-64)**
12 **[CNMI, Forelli, Brown, Clayton, Sosebee, Bisom & Sorensen]**

13 328. Plaintiff's incorporation by reference requires no response. CNMI Defendants
14 incorporate by reference their answers to Paragraphs 1 to 327 above.

15 329-36. Denied.

16 337. The statements set forth in this paragraph are not averments of fact but legal
17 conclusions and requests in the form of a prayer for relief, which require no response. To
18 the extent that a response is deemed required, CNMI Defendants deny these statements
19 contained in this paragraph. Further, CNMI Defendants deny that Plaintiff is entitled to
20 any relief whatsoever.

21 338. Denied.

22 //

23 //

24 //

**XII. NINTH CLAIM -- Employment Contract Breached, Supplemental Claim
[CNMI, through Forelli, Bush, Cotton, Clayton, Sosebee & Brown]**

339. Plaintiff's incorporation by reference requires no response. CNMI Defendants incorporate by reference their answers to Paragraphs 1 to 338 above.

340-44. Denied.

245-46. The statements set forth in these paragraphs are not averments of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, CNMI Defendants deny these statements contained in these paragraphs. Further, CNMI Defendants deny that Plaintiff is entitled to any relief whatsoever.

XIII. TENTH CLAIM -- Intentionally Omitted

347-55. These paragraphs have been "deleted," containing no averments and requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

**XIV. ELEVENTH CLAIM -- Viol'n Civil Rights Act of 1870 and 42 U.S.C. § 1981
[CNMI, through Brown, Clayton, Sosebee & Forelli; Bisom & Sorensen]**

356. Plaintiff's incorporation by reference requires no response. CNMI Defendants incorporate by reference their answers to Paragraphs 1 to 355 above.

357-61. Denied.

362. Denied. The statements set forth in the final sentence of this paragraph are not averments of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, CNMI

1 Defendants deny these statements contained in this sentence. Further, CNMI Defendants
2 deny that Plaintiff is entitled to any relief whatsoever.

3
4 **XV. TWELFTH CLAIM -- Intentionally Omitted**

5 363-70. These paragraphs have been “deleted,” containing no averments and
6 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
7 required, they are denied.

8
9 **XVI. THIRTEENTH CLAIM -- Intentionally Omitted**

10 371-74. These paragraphs have been “deleted,” containing no averments and
11 requiring no response. To the extent that an answer by the CNMI Defendants is deemed
12 required, they are denied.

13
14 **XVII. FOURTEENTH CLAIM -- Intentional, Malicious, and/or Irresponsible**
15 **Actions Causing Damage to Plaintiff BRADSHAW’s Reputation**
16 **as an Employer, Supervisor, and as a Person**
[CNMI, Forelli, Bush, Clayton, Sosebee, Brown, Cotton, Bisom & Sorensen]

17 375. Plaintiff’s incorporation by reference requires no response. CNMI Defendants
18 incorporate by reference their answers to Paragraphs 1 to 374 above.

19 376-77. Denied.

20 378. The statements set forth in this paragraph are not averments of fact but legal
21 conclusions and requests in the form of a prayer for relief, which require no response. To
22 the extent that a response is deemed required, CNMI Defendants deny these statements
23 contained in this paragraph. Further, CNMI Defendants deny that Plaintiff is entitled to
24 any relief whatsoever.

**XVIII. FIFTEENTH CLAIM -- Intentional, Malicious, and/or Irresponsible
Actions Causing Emotional and Mental Distress on BRADSHAW
[CNMI, Forelli, Bush, Clayton, Sosebee, Brown, Cotton, Bisom & Sorensen]**

379. Plaintiff's incorporation by reference requires no response. CNMI Defendants incorporate by reference their answers to Paragraphs 1 to 378 above.

380-81. Denied.

382. Denied. The statements set forth in the final sentence of this paragraph are not averments of fact but legal conclusions and requests in the form of a prayer for relief, which require no response. To the extent that a response is deemed required, CNMI Defendants deny these statements contained in this sentence. Further, CNMI Defendants deny that Plaintiff is entitled to any relief whatsoever.

XIX. SIXTEENTH CLAIM -- Intentionally Omitted

383-86. These paragraphs have been "deleted," containing no averments and requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

XX. SEVENTEENTH CLAIM -- Intentionally Omitted

387-97. These paragraphs have been "deleted," containing no averments and requiring no response. To the extent that an answer by the CNMI Defendants is deemed required, they are denied.

XXI. PRAYER FOR RELIEF

398 (1-12). The statements set forth in Paragraphs 1-12 of the Prayer for Relief, Third Amended Complaint are not allegations of fact but legal conclusions and requests in

1 the form of a prayer for relief, which require no response. To the extent that a response is
2 deemed required, CNMI Defendants deny these statements contained in these paragraphs.
3 Further, Defendants deny that Plaintiff is entitled to any relief whatsoever.
4

5 **XXII. PRAYER FOR RELIEF -- BRADSHAW FILES THIS ACTION PRO SE**

6 400 (13-15). The statements set forth in Paragraphs 13-15 of the Prayer for Relief,
7 Third Amended Complaint are not allegations of fact but legal conclusions, which require
8 no response. To the extent that a response is deemed required, they are admitted.
9 However, CNMI Defendants deny that Plaintiff is entitled to any relief whatsoever.
10

11 **XXIII. GENERAL DENIALS**

12 401. All averments that CNMI Defendants have not specifically admitted are
13 denied.

14 402. The headings are used for reference purposes only and do not constitute
15 admissions.
16

17 **IX. DEFENSES**

18 403. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
19 can be granted.

20 404. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
21 can be granted — the CNMI is not a "person" for purposes of 42 U.S.C. § 1983 [Claims #
22 1-4].

23 405. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
24 can be granted for violation of his right to procedural due process [Claim # 1, ¶ 212;
25

1 Claim # 2, ¶¶ 233, 263; Claim # 3, ¶¶ 265, 274; Claim # 4, ¶¶ 276, 282; Claim # 7, ¶ 319;
2 Claim # 11, ¶¶ 357].

3 406. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
4 can be granted for violation of his right to equal protection [Claim # 1, ¶ 212; Claim # 2,
5 ¶¶ 233, 263; Claim # 3, ¶¶ 265, 274; Claim # 4, ¶¶ 276, 282; Claim # 7, ¶ 319;
6 Claim # 11, ¶¶ 357].

7 407. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
8 can be granted because allegations of conspiracy and violations of 42 U.S.C. § 1985 must
9 be plead with particularity [Claim # 7].

10 408. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
11 can be granted as to Plaintiff's RICO allegations based upon damages allegedly suffered as
12 a result of the *Bisom* litigation in CNMI courts [Claim # 8].

13 409. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
14 can be granted because the CNMI Attorneys General and CNMI Assistant Attorneys
15 General are entitled to qualified immunity with respect to Plaintiff's claims based upon
16 alleged breach of attorney-client relationship and malpractice [Claims # 2-3].

17 410. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
18 can be granted because the CNMI is not a "citizen" for purposes of diversity jurisdiction,
19 and diversity subject matter jurisdiction is therefore destroyed [Claims # 9, 14-15].

20 411. Plaintiff's Third Amended Complaint fails to state a claim upon which relief
21 can be granted because Plaintiff cannot meet the amount in controversy required to
22 establish subject matter diversity jurisdiction [Claims # 9, 14-15].

23 412. The Court otherwise lacks subject matter jurisdiction.
24
25

1 413. Following dismissal of Plaintiff's federal claims for failure to state a claim
2 upon which relief can be granted, his remaining claims asserting violations of local law are
3 due to be dismissed pursuant to 28 U.S.C. § 1367(c) [Claims # 9, 14-15].

4 414. Plaintiff's claims against the CNMI Defendants are barred by the doctrines of
5 issue and claim preclusion.

6 415. Plaintiff's claims against the CNMI Defendants are currently before the
7 Commonwealth courts for consideration and should not be determined in these
8 proceedings based on principles of abstention and comity.

9 416. Plaintiff lacks standing to advance various claims in these proceedings.

10 417. Plaintiff's claims are barred by the applicable statutes of limitations.

11 418. Plaintiff's claims are barred by the doctrine of laches.

12 419. Plaintiff has waived any rights to advance claims against the CNMI
13 Defendants.

14 420. Plaintiff should be equitably estopped from advancing claims against the
15 CNMI Defendants.

16 421. Plaintiff's equitable claims against the CNMI Defendants are barred by his
17 own unclean hands.

18 422. Plaintiff has failed to join indispensable parties to this action.

19 423. Plaintiff assumed the risk, by his own conduct, of the losses, if any, about
20 which he now complains and is barred from recovering from the CNMI Defendants
21 therefor.

22 424. Plaintiff was negligent with regard to actions or omissions that Plaintiff alleges
23 gave rise to his present claims, which negligence in fact and proximately was the cause of
24 some or all of the injuries for which he now claims the right to remedies in this case.
25

1 425. The truth of the statements by the CNMI Defendants, if any, which Plaintiff
2 alleges were defamatory is a complete defense to Plaintiff's claims of defamation
3 advanced against the CNMI Defendants.

4 426. The knowledge of falsity or reckless disregard by the CNMI Defendants of the
5 truth, if any, of the statements by the CNMI Defendants, if any, which Plaintiff alleges
6 were defamatory is a complete defense to Plaintiff's claims of defamation advanced
7 against the CNMI Defendants.

8 427. The CNMI Defendants had an absolute privilege to publish statements, if any,
9 that Plaintiff alleges were defamatory.

10 428. The CNMI Defendants had a qualified privilege to publish statements, if any,
11 that Plaintiff alleges were defamatory.

12 429. Plaintiff is in breach of his excepted service employment contract and
13 applicable regulations.

14 430. Plaintiff's claims are barred in whole or in part by his failure to mitigate
15 damages.

16 431. Plaintiff's claims are barred as contrary to sound public policy.

17 432. Plaintiff's claims are barred in whole or in part by the doctrine of unjust
18 enrichment.

19 433. Plaintiff is barred from asserting any cause of action against the CNMI
20 Defendants, or any combination of them under the doctrines of absolute, qualified, or
21 sovereign immunity, or any combination of those doctrines.

1 434. The CNMI Defendants reserve the right to assert additional defenses that are
2 discovered during these proceedings as the facts warrant.

3
4 Respectfully submitted,

5 OFFICE OF THE ATTORNEY GENERAL

6 MATTHEW T. GREGORY # F0205
7 Attorney General

8
9 Dated: Wednesday, 3 January 2007.

Gregory Baka
10 GREGORY BAKA # F0199
11 Deputy Attorney General

12 Attorneys for CNMI Defendants
13
14
15
16

17 n:\... \gbaka\civil\personnel law\Bradshaw v. CNMI\Answer.to.3AC.pld.wpd
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(d), the undersigned declarant states as follows:

1. I am eighteen years of age or older, and I certify that I caused to be served the following documents to the last known address(es) listed below on the date(s) indicated.

**CNMI DEFENDANTS' ANSWER TO THIRD AMENDED COMPLAINT;
CERTIFICATE OF SERVICE**

2. As set forth below, this service was accomplished by personal delivery; U.S. Mail; deposit with Clerk of Court (in attorney box), cf. Fed. R. Civ. P. 5(b)(2)(D); or electronic service, see Local Rule 5.1.

Robert D. Bradshaw
P. O. Box 473
1530 W. Trout Creek Road
Calder, ID 83808-0473

Plaintiff, pro se
Tel: (208) 245-1691
Fax: N/A

Via U.S. Mail

Mark B. Hanson, Esq. # F0261
Macaranas Building, 1st Floor
Beach Road, Garapan
PMB 738, P. O. Box 10,000
Saipan, MP 96950-8900

Attorney for Defendant Bisom
Tel: (670) 233-8600
Fax: (670) 233-5262
E-mail: mark@saipanlaw.com

Via Electronic Service

Jay H. Sorensen, Esq. # F0127
c/o Shanghai, China
P. O. Box 9022
Warren, MI 48090-9022

Defendant, pro se
Tel: (86) 21-5083-8542
E-mail: subpar@fastmail.cn

Fax: same

Via E-Mail

G. Patrick Civile, Esq. # F0139
Civille & Tang, PLLC
330 Hernan Cortez Ave., Ste. 200
Hagåtña, GU 96910

Attorney for dismissed judicial Defendants
Tel: (671) 477-9891/2
Fax: (671) 472-2601
E-mail: pciville@guamattorneys.com

Via Electronic Service

3. I declare under penalty of perjury that the foregoing is true and correct. Executed on Wednesday, 3 January 2007.

Gregory Baha

Deputy Attorney General
Attorney for Defendants Commonwealth of the
Northern Mariana Islands, Nicole C. Forelli,
William C. Bush, D. Douglas Cotton,
L. David Sosebee, Andrew Clayton,
and Pamela S. Brown ("CNMI Defendants")